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TIGARD CITY COUNCIL  
MEETING

APRIL 22, 2003 6:30 p.m.

TIGARD CITY HALL  
13125 SW HALL BLVD  
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A  
TIGARD CITY COUNCIL MEETING  
APRIL 22, 2003

6:30 PM

- STUDY SESSION
  
- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss labor negotiations and current or pending litigation under ORS 192.660(1d) and (1h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING
  - 1.1 Call to Order - City Council & Local Contract Review Board
  - 1.2 Roll Call
  - 1.3 Pledge of Allegiance
  - 1.4 Council Communications & Liaison Reports
  - 1.5 Call to Council and Staff for Non-Agenda Items
  
2. PROCLAMATION
  - 2.1 Proclaim April 22, 2003, as Arbor Day
    - Mayor Griffith
  
3. VISITOR'S AGENDA (Two Minutes or Less, Please)
  
4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
  - 4.1 Approve Council Minutes for February 25, 2003

- 4.2 Receive and File:
    - a. Council Goal Update
  - 4.3 Approve an Amendment to the Washington County Cooperative Library Services Public Library Services Agreement
  - 4.4 Approve an Amendment to the Washington County Inter-Library Information Network Agreement
  - 4.5 Local Contract Review Board:
    - a. Approve payment to Centex Homes for costs incurred to oversize water lines
    - b. Award contract for engineering/hydrogeological services related to aquifer storage and recovery to Groundwater Solutions, Inc.
    - c. Approve the purchase of three marked police vehicles
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

5. PUBLIC HEARING REGARDING A STREET MAINTENANCE FEE

- a. Open Public Hearing
- b. Summation by Engineering Staff
- c. Public Testimony
- d. Staff Recommendation
- e. Council Discussion
- f. Close Public Hearing

6. CONSIDER AN ORDINANCE REVISING CHAPTER 2.12 OF THE TIGARD MUNICIPAL CODE PERTAINING TO A PARK AND RECREATION BOARD

- a. Staff Report: Administration Staff
- b. Council Discussion
- c. Council Consideration: Ordinance No. 03 - \_\_\_\_\_

7. COUNCIL LIAISON REPORTS

8. NON-AGENDA ITEMS

9. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

## 10. ADJOURNMENT

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# PROCLAMATION

**Arbor Day**  
**April 22, 2003**

**WHEREAS**, in 1872, Arbor Day, a special day set aside for the planting of trees, was first celebrated in Nebraska; and

**WHEREAS**, Tigard's urban forest of public and private parks and greenways is part of a larger ecology that spans from mountains to ocean and is integral to our region's water quality; and

**WHEREAS**, our urban forest includes a diversity of trees that grace our city streets, parks and greenways, provide habitat for wildlife, soften hardscapes, clean the air, protect water resources, and ensure that everyone can experience natural beauty where we live, work and recreate; and

**WHEREAS**, the City of Tigard recognizes that our urban forest is a necessity and is an integral part of the city's infrastructure and ecosystems; and

**WHEREAS**, we are committed to provide resources to maintain and enhance the urban forest; and

**WHEREAS**, people of all ages and backgrounds, including citizens, civic organizations, businesses and city agencies, have formed partnerships to participate actively in the stewardship and caretaking of Tigard's urban forest; and

**NOW, THEREFORE BE IT RESOLVED THAT** I, JAMES GRIFFITH, Mayor of the City of Tigard, Oregon, do hereby proclaim April 22, 2003 to be:

## ARBOR DAY

in Tigard and encourage people throughout the entire city to become more involved with the planting and stewardship of the urban forest throughout the year of 2003.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2003.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

\_\_\_\_\_  
James E. Griffith, Mayor  
City of Tigard

**Attest:**

\_\_\_\_\_  
City Recorder



**COUNCIL MINUTES**  
**TIGARD CITY COUNCIL MEETING**  
**February 25, 2003**

Mayor Griffith called the meeting to order at 6:30 p.m.

Council Present: Mayor Griffith, Councilors Dirksen, Moore, Sherwood, and Wilson

- **EXECUTIVE SESSION:** The Tigard City Council went into Executive Session at 6:30 p.m. to discuss labor negotiations and potential litigation under ORS 192.660 (1d and h).

Executive Session concluded at 6:45 p.m.

- **STUDY SESSION**

- **TUALATIN VALLEY FIRE & RESCUE BRIEFING**

Representatives from TVF&R briefed Council on the 4-alarm Manchester Apt. fire that occurred last summer. Three people were injured and damage to the complex was estimated at \$500,000. Police Department was extraordinarily helpful to the Fire Dept. during this event: evacuating the apartments, clearing the parking lot, shutting down Hall Blvd., and helping assemble individuals for the TVF&R investigators to interview.

- **TRAINING WITH CITY ATTORNEY – CONFLICT OF INTEREST, PUBLIC MEETING LAW, LAND USE MATTERS**

City Attorney Ramis conducted the training. Highlights of his training, including information distributed to the Council, are on file in the City Recorder's office.

- **ADMINISTRATIVE ITEMS**

- **School Funding Issues --** City Manager updated Council with regard to a meeting he and Mayor Griffith had with Steve Clark last week. Individuals in the community have expressed an interest in looking into a serial levy proposal for the May 2003 ballot. The proposal to the voters would request some funding to assist school programs and facilities impacted by recent cutbacks. The levy would need to be from the cities' (i.e., Tigard, Tualatin, Durham) taxing authority. The School District has not approached

the City. City Manager suggested that the City work with Tualatin and the School District as this issue evolves.

- Joint Meeting with City of Tualatin and the Tigard Tualatin School District -- City Manager discussed potential meeting dates for a joint meeting with the City of Tualatin Council and the Tigard-Tualatin School District Board. The preferred date for the Tigard Council is April 3, 6:30 p.m. at the School District Administration Building.
- City Manager Monahan requested Council direction on how the public participation should be planned with regard to the Wall Street Local Improvement Discussion scheduled for March 11. Council did not establish time limits. Council will likely take public comment as follows:
  - avoid duplication of testimony.
  - if a group has a spokesperson, they would prefer that the spokesperson make comments, rather than have each person from the group speak. The spokesperson could identify how many people in the audience are with him or her. Council likely will give a spokesperson more time than would be allotted to an individual if the spokesperson is making points for a number of potential speakers.
  - the Council prefers written materials that are submitted in advance of the meeting to staff that then can be provided to the council so they can adequately prepare before coming to the meeting.
- Representative Max Williams -- Representative Williams and Senator Burdick were scheduled to visit with the Council during the business meeting. Senator Burdick was ill and could not attend. Council briefly reviewed with the City Manager issues to bring up to Rep. Williams. City Manager noted that LOC was urging cities to contact legislators with regard to a proposed bill to eliminate the cities' portion of the cigarette tax collection. It is estimated this would be a loss of \$85,000 to the City of Tigard on an annual basis.

Study Session concluded at 7:28 p.m.

## 1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council and Local Contract Review Board meeting to order at 7:31 p.m.

- 1.2 Roll Call Council Present: Mayor Griffith, Councilors Dirksen, Moore, Sherwood, and Wilson
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items:
  - JPACT Representation (See Item 7.1)
2. VISITOR'S AGENDA: No visitors.
3. CONSENT AGENDA: Motion by Councilor Sherwood, seconded by Councilor Dirksen to approve the Consent Agenda as follows:
  - 3.1 Approve Council Minutes for January 14, 21, 28, and February 11, 2003
  - 3.2 Approve Revision to Citywide Personnel Policies on Electronic Communication Article No. 45-0 – Resolution No. 03 - 04
  - 3.3 Local Contract Review Board:
    - a. Award Contract for Engineering Services for the Hall Boulevard and Wall Street Improvement Project to DeHaas & Associates
    - b. Award Contract for the Tigard City Hall HVAC Modification Project to Portland Mechanical Contractors

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

#### 4. DISCUSSION WITH STATE SENATOR GINNY BURDICK AND STATE REPRESENTATIVE MAX WILLIAMS

Following are the highlights of the discussion with Representative Williams:

- Cigarette tax...Rep. Williams said he does not think the proposal to eliminate the cities' portion of this tax has support and does not anticipate any immediate impacts. He advised the cities are well represented by the League of Oregon Cities and if there is a change in this situation, cities will be alerted quickly.
- State economic forecasts indicate that an additional \$300,000,000 shortfall from earlier estimates will be likely. This means there is only \$500,000,000 left in "cash." Rep. Williams noted the following options: bonding, tobacco settlement,



separate school funding from the general fund for stability, and additional cuts. Challenges: balance the budget this year and develop the new budget next year.

-Mayor Griffith noted that Senator Burdick advised that the effort to have cities pick up some of the expenses for the voter's pamphlet appears to have lost momentum. Representative Williams referred to the possibility of eliminating voters from the rolls if they had not voted in the last two years; however, this may not be possible if it conflicts with Federal law.

-Annual legislature a possibility? Representative Williams said there has been some discussion about the legislature meeting annually. Oregon is one of the few states that still meet biennially.

-Representative Williams noted the need to attend to all of the issues for which the legislature has responsibility that may not seem, to some people, as important as the budget, education, and human/social service crises.

-Follow-up measure to Measure 7? Representative Williams said he thought there was a proposal before the Environmental and Land Use Committee at this time; however, he does not think the proposal will be able to work its way through the legislature at this time.

-Final filing day for bills is March 3. There have been some rough draft proposals for overhauling the tax system. In response to a comment that those states with sales tax are also experiencing tough economic times, Representative Williams noted that Oregon is 90% reliant on a single revenue source (personal income taxes). He referred to a good article in the February issue of *Governing* magazine that features a state-to-state comparison of tax revenues.

-Allocation of transportation funds to bridges? Representative Williams said he is not sure that those decisions have yet been made with regard to allocation of transportation dollars. He said there should be some dollars available for local government; however, there has been discussion about dedicating a large share to bridge maintenance. This funding package will eventually be reviewed by Rep. Williams' committee.

-Representative Williams said as issues come up that he would welcome contacts to his office. He also spoke highly of the League of Oregon Cities representation at the legislature insofar as they are constantly in contact with the legislators and monitoring potential bills that would affect cities

5. CONSIDER TRANSFERRING APPROPRIATIONS WITHIN THE WATER CAPITAL IMPROVEMENT PROGRAM FUND AND CREATING A NEW POSITION TO MANAGE WATER CAPITAL IMPROVEMENT PROGRAM PROJECTS

Finance Director Prosser presented the staff report. Mr. Prosser and City Manager Monahan responded to questions raised by Councilor Dirksen with regard to adding a management position for one project. The person in this position would be working on the reservoir design, including the facilities needed for the overall water system to provide water to the reservoir. Finance Director advised that it would be more economical, because of the size of the project to perform the work in-house rather than paying a consultant. Councilor Moore suggested that for future similar proposals, that Council be given a comparison of how much it would cost to hire a consultant vs. doing the work in-house.

Motion by Councilor Moore, seconded by Councilor Wilson, to adopt Resolution No. 03-05.

RESOLUTION NO. 03-05 – A RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN THE WATER CIP FUND AND CREATING A NEW POSITION TO MANAGE WATER CIP PROJECTS

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

6. COUNCIL LIAISON REPORTS: None

7. NON AGENDA ITEMS

7.1 JPACT Representation: After brief discussion, motion by Councilor Moore, seconded by Councilor Dirksen, to authorize the Mayor to cast the ballot for JPACT representation with Tigard supporting Beaverton Mayor Rob Drake as the Washington County Cities representative and Tualatin Mayor Lou Ogden as the alternate

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

8. EXECUTIVE SESSION: Not held.

Business meeting concluded at 8:18 p.m.

Council reconvened in Study Session at 8:25 p.m. to discuss the following administrative items:

- STUDY SESSION (continued)

- Administrative Items

- Draft ordinance – Park & Recreation Board -- Council reviewed the draft ordinance prepared by City Manager Monahan. City Manager will review the established process set by a Council resolution to determine if it's necessary to add wording about selecting alternate board members. Council agreed that it would be a good idea to have an ex-officio member on the board from the School Board. Council also wanted to be able to appoint other ex-officio members as deemed necessary by the City Council (Section 4).

Wording such as “on issues such as” should be added to section 5 prior to the list of Board responsibilities, so the responsibilities are not limited to the list.

Council consensus was that make-up of the board should be representative of the general public rather than a special-interest individual for one sport or facility.

- Business Education Compact -- Council members supported Councilor Dirksen's suggestion that Mayor Griffith be nominated for an individual achievement award for his Youth Forum work.

- Social Service & Community Event Grant Requests -- Council reviewed a memorandum from City Manager Monahan. Council agreed that the allocation to social services and community events would be reduced by 10% as is being done for all city departments.
- Mayor's Prayer Breakfast -- Mayor Griffith and Councilors Sherwood, Wilson, and Dirksen indicated they would like to attend this event scheduled for May 7, 7-9:15 a.m. at the Greenwood Inn.
- E-Mail Messages to Council -- City Manager Monahan noted that the usual process when e-mails are sent to the Council at City Hall, a generic acknowledgement response is prepared and sent by staff. Staff does not prepare an individual response representing a Council member's position on an issue without consulting or receiving direction from the Mayor or a Councilor.
- Employee Recognition Event – March 7, 3-4 p.m. in Town Hall - Mayor Griffith and Councilors Moore, Sherwood, and Dirksen advised they would attend this event.
- Budget Committee Meeting Schedule – Budget Committee meetings are scheduled for:
  - Monday, March 24, 6:30 p.m. TVF&R Com. Rm.
  - Monday, April 28, 6:30 p.m., Library Puett Room  
(Two meetings above are for training for new or a refresher for returning Budget Committee members.)
  - Regular Budget Committee meetings – May 5, 12, 19, 6:30 p.m., Water Building Auditorium.
- School Funding Issues - More discussion was held. (See Study Session notes at beginning of meeting.) City Manager Monahan suggested that Council wait to see what comes of discussions going on in the community. There's a possibility that if a serial levy is placed on the ballot under the City's taxing authority that some City programs and services (SRO's, park maintenance) could be listed for funding within the proposed measure. Council will be kept informed as plans are developed; information will be funneled through the Mayor and staff.
- Haggens Grand Opening -- Mayor will be at the Ribbon Cutting, February 26, 8 a.m.

9. ADJOURNMENT: 9:59 p.m.

Attest:

\_\_\_\_\_  
Catherine Wheatley, City Recorder

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF April 22, 2003

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Receive and File: Council Goal Update

PREPARED BY: Greer Gaston DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Update on the progress of the Council goals for the first quarter of 2003.

STAFF RECOMMENDATION

Receive and file the update.

INFORMATION SUMMARY

Attached are brief summaries of the progress made in the first quarter of 2003 on the goals adopted by the Council on January 28, 2003.

OTHER ALTERNATIVES CONSIDERED

N/A

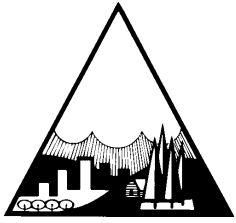
VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Visioning goals are identified throughout the goals and tasks developed by the City Council.

FISCAL NOTES

N/A

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2003

## **Tigard City Council Goals – First Quarter Update**

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**GOAL 1 – FINANCIAL STRATEGY**

**GOAL 2 – TIGARD CENTRAL BUSINESS DISTRICT**

**GOAL 3 – TRANSPORTATION**

**GOAL 4 – PARKS AND RECREATION**

**GOAL 5 – WATER**

**GOAL 6 – GROWTH MANAGEMENT**

**GOAL 7 – COMMUNICATION**

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## GOAL 1: FINANCIAL STRATEGY

- A. Develop a sustainable long-term financial plan or strategy for issues such as:
  - 1. General Fund needs
  - 2. Library
  - 3. Transportation
  - 4. Parks and open space
  - 5. Washington Square Regional Center
  - 6. Central Business District
  - 7. Water System
- B. Explore the creation of an economic development program.

### **First Quarter Update**

**Prepared by: Craig Prosser, Finance Director**

**Staff presented Council a list of potential upcoming financial issues and opportunities in a workshop session. This list encompassed all of the items identified in the Council goal. Council organized this list into “Major” and “Other” categories and then identified three top priorities for each category. Council’s work has been included in a Strategic Finance Plan report, which will be presented to Council on April 8 for adoption.**





## GOAL 2: TIGARD CENTRAL BUSINESS DISTRICT

- A. Create a common vision for the Central Business District and build the energy to implement that vision through the Downtown Task Force.
- B. Support the activities of the Downtown Task Force as they provide input to the design of the Tigard commuter rail station and the zoning and development plan standards for the Central Business District.

### **First Quarter Update**

**Prepared by: Jim Hendryx, Community Development Director**

**Members of the Downtown Task Force met with Council on March 25<sup>th</sup> and submitted their recommendation for design elements for the Downtown Tigard Commuter Rail Station. Council approved the recommendation.**



## GOAL 3: TRANSPORTATION

- A. Aggressively pursue solutions to congestion of state, county and city facilities that cross through Tigard.
  - 1. Reforming the Transportation Financing Task Force.
  - 2. Identify project priorities and funding needs for state and city facilities.
- B. Continue working with Tri-Met to identify and fund additional intra-city bus routes.
- C. Right-of-way management.

### First Quarter Update

Prepared by: Gus Duenas, City Engineer  
Jim Hendryx, Community Development Director

### Goal 3A - Aggressively pursue solutions to congestion of state, county and city facilities that cross through Tigard

The Gaarde Street Improvements Phase 2 construction project is now underway and should be completed by fall of 2004. The engineering designs for Walnut Street (Tiedeman Avenue to 121<sup>st</sup> Avenue) and 121<sup>st</sup> Avenue (Gaarde Street to Walnut Street) are nearing completion. Partial rights-of-way acquisition for each project has started and will be ongoing during the next fiscal year. Completion of the Gaarde Street construction should provide an improved east-west connector from Highway 99W to Barrows Road. Completion of the project designs on the two street projects ensures that at least two projects are ready for construction should funding opportunities arise.

The initial report on the Proposed Wall Street Local Improvement District (LID) was presented to City Council on March 11, 2003. Council gave direction to complete the Preliminary Engineer's Report and submit it to Council for review upon completion. The intersection of Hall Boulevard and Wall Street and approaches will be constructed as a City project with contributions from the New Library Project and the Fanno Pointe Subdivision to supplement TIF (Traffic Impact Fee) funds on the project.

The Metro Priorities 2004-07 funding process has been soliciting projects from various jurisdictions. This is federal funding that is allocated to cities and counties through the Metropolitan Transportation Improvement Program



(MTIP). The City submitted three projects for funding consideration. One of the submittals is for construction funding to widen Greenburg Road from Washington Square Drive to Tiedeman Avenue. That project has already been approved for preliminary engineering and rights-of-way acquisition. The other projects are a pedestrian trail through the greenbelt in the Washington Square Regional Center and pedestrian improvements in the Tigard Town Center in conjunction with the commuter rail project. All three projects are still under consideration for funding on the 150% list revealed by Metro in late March 2003.

#### Goal 3A1 - Reforming the Transportation Financing Task Force

The Task Force will be reconstituted to drop some members and add new members to continue to explore alternative sources of funding for major street improvements. A suggestion has been made that members of the business community should be represented. The changes in the Task Force will be pursued in May and June of 2003.

#### Goal 3B - Continue working with Tri-Met to identify and fund additional intra-city bus routes

The Engineering Department worked with the Community Development Department in providing information for preparation of the Transit Action Plan to establish intra-city transit service and to enhance service on existing routes.

Council adopted local service transit plan in December 2002. In January 2003, plan was forwarded to Tri-Met board along with a letter from the Mayor. A meeting was held with Tri-Met on January 16, 2003, regarding their transit investment plan.

#### Goal 3C - Right-of-way management

The Engineering Department provided input into the right-of-way management study that is currently underway. The study is undertaken to determine the true costs of managing the existing rights-of-way. Of special concern is the long-term damage done to the roadway structural section by utility cuts. The results of the study should provide the basis for establishing appropriate fees for work performed within the rights-of-way.



## GOAL 4: PARKS AND RECREATION

- A. Continue the efforts of the Youth Forum.
- B. Complete or update parks master plans for city facilities.
- C. Explore the creation of a Park and Recreation Advisory Board.

### First Quarter Update

Prepared by: Dan Plaza, Parks Manager

Liz Newton, Assistant to the City Manager

#### Goal 4A - Continue the efforts of the Youth Forum

The Mayor's Youth Forum continues to meet monthly. The group is currently focused on forming a Youth Advisory Council. This Youth Council would work with the Youth Forum and other community members to build developmental assets for each child in Tigard through programs and activities designed for and by youth.

Applications for the Youth Advisory Council are being accepted until April 16 from youth in grades 5-12. Home school groups, private schools, public schools, and church youth groups have all been contacted for representatives.

The Youth Forum is also supporting the efforts of the Skate Park Committee.

#### Goal 4B - Complete or update parks master plans for city facilities

Cook Park Phase II, a major development project partially funded by SDC Funds, a grant, and a low cost State loan has been completed. Cook Park Phase II consisted of the addition of a new picnic shelter, playground, two restroom facilities, concession facility, parks maintenance building, additional parking, landscaping and infrastructure.

Woodard Park development projects include the installation of two playgrounds and a picnic shelter (partially funded by a grant). The playgrounds have been installed and the picnic shelter will be installed later this spring.

Potso Dog Park was completed and opened to the public on June 20, 2002.



**Master Plans for Summerlake Park, Bonita Park and a Skate Park Design were approved by the City Council.**

**An off-leash dog area at Summerlake Park is scheduled to be opened to the public this spring.**

**A \$165,000 federal grant was received to complete Bonita Park. It will be completed in late summer or early fall. Special features for this neighborhood park consist of an open space play area, bathrooms, picnic shelter, basketball courts, hard and soft paths, landscaping, and a playground.**

**A \$50,000 grant was received to acquire and develop additional Fanno Creek Park Trail property from Grant Street to Main Street.**

**Fanno Creek Park Extension Master Plan will be completed by June 30, 2003.**

**Goal 4C - Explore the creation of a Park and Recreation Advisory Board**

**The Council will consider amending the Tigard Municipal Code section 2.12 to update the structure of the Park and Recreation Advisory Board. Appointment of Board members should occur this year.**



## GOAL 5: WATER

- A. Continue to evaluate options for a long-term water supply.

### First Quarter Update

Prepared by: Dennis Koellermeier, Assistant Public Works Director  
Ed Wegner, Public Works Director

Progress on this goal has been substantial this quarter, and we have both positive and negative news to report.

In the case of Tigard's potential of obtaining an ownership position in the Bull Run system, the news is ownership options in the immediate future have been withdrawn by the City of Portland. Tigard, along with the other suburban wholesalers will now refocus efforts to negotiate mutually agreeable wholesale contracts with Portland. Tigard may have the opportunity to become a co-owner in future capital projects in the Bull Run system, but buy-in to the existing system has been removed from the discussion by Portland.

The news is more promising in our discussions with the Joint Water Commission. The Commission has directed their staff to negotiate with Tigard to become a member of the Joint Water Commission. Our initial ownership position would be for approximately 4 million gallons per day. The timeline of the negotiations should allow the City of Tigard to know the cost and conditions of the offer during the 2<sup>nd</sup> quarter.

We also now know that our potential decision to join the Joint Water Commission may now become contingent on our willingness to accept fluoridated water. If the City of Beaverton moves ahead with fluoridation, the water we receive from the Joint Water Commission will pass through the Beaverton system and be fluoridated.



## GOAL 6: GROWTH MANAGEMENT

- A. Continue to evaluate Tigard's role in the provision of urban services outside the city limits.

### **First Quarter Update**

**Prepared by: Jim Hendryx, Community Development Director**

**On March 18, staff met with Council to present several alternatives to address Urban Growth Expansion issues, including preparation of a concept plan and relationship to the overall Bull Mountain planning effort. In April, staff is scheduled to discuss UGB issues with Washington County.**



## GOAL 7: COMMUNICATION

- A. Increase Tigard's communication with other elected bodies through active participation of City Council members and staff.
- B. Improve and expand communication with citizens, particularly communicating successes and future concerns.

### First Quarter Update

Prepared by: Liz Newton, Assistant to the City Manager

#### Goal 7A - Increase Tigard's communication with other elected bodies through active participation of City Council members and staff

The City Council has held regular meeting with the Tigard-Tualatin School District, TVF&R, and its State Representative and State Senator. In addition the Tigard High School Envoy attends the first council meeting of each month to present information about activities and programs at the high school.

In July, the Council will also schedule meetings with Washington County, Clean Water Services, and PCC.

#### Goal 7B - Improve and expand communication with citizens, particularly communicating successes and future concerns

A new cable program began airing in Tigard in February. "Focus on Tigard" is designed as informational programming in current issues and is produced and airs monthly.

The February Focus was on long-term water. In March, the Focus was on the commuter rail and downtown planning. April's Focus was on code enforcement and the new citation process.

The taped-to-air format allows staff more flexibility in format and media.

The City continues to add new features to the web page. In addition, over the last three months, all city departments have done extensive reviews of the information they post on the web to determine if more or different information should be included and to ensure information posted is current. Visits to the web site have increased since October from 27,210 to 30,703 per month.





**The department communicators are reviewing the City's communication plan to update the guidelines for use of communication tools and emphasize the importance of communication plan for all proposed projects and programs. Communication plans allow staff to be proactive in getting out information by considering how, when and to whom.**

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF April 22, 2003

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Amendment to the WCCLS Public Library Service Agreement

PREPARED BY: Margaret Barnes DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Washington County has issued an amendment to the existing WCCLS Public Library Services Agreement.

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STAFF RECOMMENDATION

Approve the second amendment to the WCCLS Public Library Services Agreement.

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INFORMATION SUMMARY

On behalf of Washington County Cooperative Library Services (WCCLS), Washington County has issued an amendment to extend the existing Public Library Services Agreement. The Agreement will be in effect for July 1, 2003 through June 30, 2004 and covers the budget allocation that the City of Tigard receives from WCCLS for library services.

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OTHER ALTERNATIVES CONSIDERED

None.

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None.

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ATTACHMENT LIST

A. Second Amendment to the Public Library Services Agreement.

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FISCAL NOTES

The City of Tigard will receive \$1,092,520 for FY 2003/2004 according to the attached reimbursement formula that amounts to a 11.7% decrease, or \$144,950 less than the FY 2002/2003 amount.

## **SECOND AMENDMENT TO THE PUBLIC LIBRARY SERVICES AGREEMENT**

This amends the Agreement dated June 15, 1999 and Amendment dated June 25, 2002 between Washington County, on behalf of the Cooperative Library Services, and the cities of Banks, Beaverton, Cornelius, Forest Grove, Hillsboro, Sherwood, Tigard and Tualatin and the Cedar Mill Community Library Association and the Garden Home Community Library Association as follows:

**Replace Section 2, TERM OF AGREEMENT as follows. Delete existing paragraph and insert:**

This Agreement shall be in effect from July 1, 1999 through June 30, 2004, except as otherwise provided in Section 11 of this Agreement. It is the intent of the parties that the amendments made by this Second Amendment shall become effective July 1, 2003.

**Amend Section 3, FUNDS as follows. Delete existing paragraph and insert:**

As compensation to Contractor for the services to be provided pursuant to this Agreement, WCCLS agrees to make payments to Contractor according to Exhibit A for the one-year term on July 1, 2003 through June 30, 2004 and the Payment Schedule set forth in Section 6.

**Add the following to Section 4, FUNDING FORMULA, Paragraph B:**

FY03-04        \$ 9,740,000

**Amend Section 4, FUNDING FORMULA, Paragraph C as follows. Delete existing paragraph C and sub-paragraphs C1 through C4 and insert:**

C.     Reimbursement Contractors will be reimbursed from the fund described in Section 4.B based on Reimbursable Circulation, Volumes Added, Collection Expenditures, Full Service Facility Weekly Open Hours, Internet Public Access Technology, Adult/Youth Program Attendance, Service Population, and Reference Transactions.

1.     Reimbursable Circulation 70% of the total funds in Section 4.B will be allocated for reimbursement using the reimbursable circulation transactions identified in Exhibit A, "Reimbursement Formula" to calculate the amount owed each Contractor and West Slope Community Library in this Section. Circulation will include only materials loaned to Qualified Borrowers and will be adjusted for net lending or borrowing on in-county interlibrary loans before reimbursement rates are applied.
2.     Volumes Added 5% of the total funds in Section 4.B will be allocated for reimbursement for volumes added to collections as calculated by WCCLS and as identified in Exhibit A, "Reimbursement Formula" to calculate the amount owed each Contractor and West Slope Community Library in this Section.
3.     Collection Expenditures 5% of the total funds in Section 4.B will be allocated for reimbursement for collection expenditures as reported in the Oregon State Library

- Statistical Report question #4.10 for FY01-02 and as identified in Exhibit A, "Reimbursement Formula" to calculate the amount owed each Contractor and West Slope Community Library in this Section.
4. Full Service Weekly Hours Open 5% of the total funds in Section 4.B will be allocated for reimbursement for the number of open hours per week for each full service library facility as reported in the Oregon State Library Statistical Report question #6.22 for FY01-02 and as identified in Exhibit A, "Reimbursement Formula" to calculate the amount owed each Contractor and West Slope Community Library in this Section.
  5. Internet Public Access Technology 5% of the total funds in Section 4.B will be allocated for reimbursement for the number of Internet Public Access workstations as reported in the Oregon State Library Statistical Report question #8.7 for FY01-02 and as identified in Exhibit A, "Reimbursement Formula" to calculate the amount owed each Contractor and West Slope Community Library in this Section.
  6. Adult/Youth Program Attendance 2.5% of the total funds in Section 4.B will be allocated for reimbursement for the total attendance at both youth and adult library programs as reported in the Oregon State Library Statistical Report questions #6.31 and #6.33 for FY01-02 and as identified in Exhibit A, "Reimbursement Formula" to calculate the amount owed each Contractor and West Slope Community Library in this Section.
  7. Service Population 5% of the total funds in Section 4.B will be allocated for reimbursement for the library service population as calculated by WCCLS and as identified in Exhibit A, "Reimbursement Formula" to calculate the amount owed each Contractor and West Slope Community Library in this Section.
  8. Reference Transactions 2.5% of the total funds in Section 4.B will be allocated for reimbursement for reference transactions as reported in the Oregon State Library Statistical Report question #6.29 for FY01-02 and as identified in Exhibit A, "Reimbursement Formula" to calculate the amount owed each Contractor and West Slope Community Library in this Section.

**Delete Section 4, FUNDING FORMULA, Paragraph D: Cultural and Arts Programming.**

**Amend Section 6, PAYMENT SCHEDULE, Paragraph A as follows. Delete existing language prior to the colon, and insert:**

- A. WCCLS agrees to make payments to Contractors which are cities as follows:

In performing the above, it is understood and agreed that all other terms and conditions of the original Agreement of July 14, 1999 and first Amendment of June 25, 2002 are still in effect.

FOR WASHINGTON COUNTY:

FOR THE CONTRACTOR:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Approved as to form: \_\_\_\_\_  
County Counsel



**WASHINGTON COUNTY**  
**Cooperative Library Services**

**Exhibit A - Public Library Services Agreement  
Reimbursement Formula**

Formula Weighting Factor Input Area	
Reimbursable Circulation	70.0%
Volumes Added	5.0%
Collection Expenditures	5.0%
Full Service Facility Weekly Hrs Open	3.0%
Internet Public Access Technology	5.0%
Adult/Youth Program Attendance	2.5%
Service Population	5.0%
Reference Transactions	2.5%

Library	Enhanced Formula 2003-04	Payments Received in 2002-03	Comparison of 03-04 to 02-03		One-time Adjustment for 03-04*	Comparison after adjustment	
			Increase(decrease)			Increase(decrease)	
			\$	%		\$	%
Banks	\$ 90,891	\$ 73,735	\$ 17,156	23.27%	\$ 73,735	\$ -	0.00%
Beaverton	2,625,958	2,945,570	(322,612)	-10.94%	2,625,958	(322,612)	-10.94%
Cedar Mill	1,474,289	1,658,166	(183,877)	-11.08%	1,474,289	(183,877)	-11.08%
Cornelius	111,951	99,982	11,969	11.97%	99,982	-	0.00%
Forest Grove	421,555	439,905	(28,350)	-6.30%	421,555	(28,350)	-6.30%
Garden Home	227,735	206,311	21,424	10.38%	206,311	-	0.00%
Hillsboro	2,475,548	2,827,366	(411,818)	-14.26%	2,558,955	(328,411)	-11.37%
Sherwood	305,035	318,211	(13,176)	-4.14%	305,035	(13,176)	-4.14%
Tigard	1,092,520	1,237,470	(144,950)	-11.71%	1,092,520	(144,950)	-11.71%
Tualatin	607,730	574,872	32,858	5.72%	574,872	-	0.00%
West Slope**	306,788	378,782	(69,994)	-18.58%	306,788	(69,994)	-18.58%
<b>Totals</b>	<b>\$ 9,740,000</b>	<b>\$ 10,831,320</b>	<b>\$ (1,091,370)</b>	<b>-10.08%</b>	<b>\$ 9,740,000</b>	<b>\$ (1,091,370)</b>	<b>-10.08%</b>

Allocation Available: \$ 9,740,000

\* Per CLAB, on December 4, 2002, a one-year adjustment, for the 2003-04 fiscal, will be made whereby no library will receive more than received in the 2002-03 fiscal year. Any amount allocated to a library through the Enhanced Formula that exceeds that library's 2002-03 payment will be used to reduce the City of Hillsboro loss. \*\*West Slope expects to receive a fire insurance adjustment to offset lost circulation revenue.

Allocation of Performance Indicators									
Library	Reimbursable Circulation	Volumes Added	Collection Expenditures	Full service Facility Wkly Hours Open	Internet Public Access Technology	Adult/Youth Program Attendance	Service Area Population	Reference Transactions	Total Enhanced Services
Weight - %	70.0%	5.0%	5.0%	5.0%	5.0%	2.5%	5.0%	2.5%	100.0%
\$ to Allocate	\$ 6,818,000	\$ 487,000	\$ 487,000	\$ 487,000	\$ 487,000	\$ 243,500	\$ 487,000	\$ 243,500	\$ 9,740,000
Banks	\$ 37,229	\$ 8,929	\$ 2,771	\$ 24,868	\$ 7,379	\$ 3,208	\$ 5,083	\$ 1,425	\$ 90,891
Beaverton	1,839,943	127,390	165,266	49,045	213,985	63,925	115,011	51,393	2,625,958
Cedar Mill	1,127,151	63,553	56,086	42,828	56,571	54,425	40,028	24,040	1,474,289
Cornelius	42,424	5,330	3,366	31,776	9,838	4,745	12,184	2,288	111,951
Forest Grove	266,268	28,331	23,039	42,828	14,758	10,223	27,378	8,730	421,555
Garden Home	158,055	9,120	7,048	35,230	2,460	6,289	6,242	3,292	227,735
Hillsboro	1,781,987	121,728	118,282	88,420	100,843	31,304	154,032	78,952	2,475,548
Sherwood	203,085	14,408	12,176	41,447	9,919	7,963	17,217	3,820	305,035
Tigard	765,315	54,810	58,907	47,664	31,975	31,535	64,829	37,485	1,092,520
Tualatin	396,174	35,045	30,112	44,901	36,894	21,526	24,414	18,663	607,730
West Slope	200,371	18,357	9,947	37,993	7,379	8,356	11,582	12,804	306,788
TOTAL	\$ 6,818,000	\$ 487,000	\$ 487,000	\$ 487,000	\$ 487,000	\$ 243,500	\$ 487,000	\$ 243,500	\$ 9,740,000
Audit Check	\$ 6,818,000	\$ 487,000	\$ 487,000	\$ 487,000	\$ 487,000	\$ 243,500	\$ 487,000	\$ 243,500	\$ 9,740,000
Audit Check Error	-	-	-	-	-	-	-	-	-
Amount per Value	\$ 1.08	\$ 2.99	\$ 0.25	\$ 690.78	\$ 2,459.60	\$ 2.31	\$ 1.07	\$ 0.09	

Source:	A WCCLS	B WCCLS	C OSL Part 4 #4.10	D1 OSL Part 6 #6.22	E OSL Part 8 #8.7	F OSL Part 6 #6.31, #6.33	K WCCLS	G OSL Part 6 #6.29
To calculate FY 03-04 payment:								
Library	Adjusted Reimbursable Circulation 2002	VoIs Added FY01-02	Collection Expenditures FY01-02	Full service Facility Wkly Hours Open FY01-02	Internet Public Access Technology FY01-02	Adult/Youth Program Attendance FY01-02	Service Area Population FY01-02	Reference Transactions FY01-02
Banks	34,539	2,987	11,017	36	3	1,388	4,757	1,976
Beaverton	1,707,016	42,617	657,147	71	87	27,656	107,643	71,246
Cedar Mill	1,045,720	21,281	223,016	62	23	23,546	45,887	34,167
Cornelius	39,359	1,783	13,385	46	4	2,053	11,403	3,172
Forest Grove	247,031	9,478	91,608	62	6	4,423	25,624	12,103
Garden Home	146,636	3,051	28,024	51	1	2,721	5,842	4,564
Hillsboro	1,653,247	40,723	470,323	128	41	13,543	144,164	109,451
Sherwood	188,413	4,820	48,415	60	2	3,445	16,114	5,296
Tigard	710,025	18,336	234,233	69	13	13,643	60,676	51,966
Tualatin	367,552	11,724	119,736	65	15	9,313	22,850	25,873
West Slope	185,895	6,141	39,552	55	3	3,615	10,840	17,750
TOTALS	6,325,433	182,921	1,936,456	705	198	105,346	455,800	337,564

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF April 22, 2003

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Amendment to the Washington County Inter-Library Information Network Agreement

PREPARED BY: Margaret Barnes DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Washington County has issued an amendment to the existing Washington County Inter-Library Information Network Agreement.

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STAFF RECOMMENDATION

Approve the second amendment to the Washington County Inter-Library Information Network (WILInet) Agreement.

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INFORMATION SUMMARY

This amendment extends the existing WILInet Agreement through June 30, 2004. This agreement covers the use and operation of the WILInet automated integrated library system countywide.

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OTHER ALTERNATIVES CONSIDERED

None.

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None.

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ATTACHMENT LIST

- A. Second Amendment to the Washington County Inter-Library Information Network (WILInet) Agreement.

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FISCAL NOTES

The City of Tigard (Library) is responsible for the purchase, installation and maintenance of peripheral equipment necessary to connect to WILInet.



**SECOND AMENDMENT TO THE WASHINGTON COUNTY INTER-LIBRARY  
INFORMATION NETWORK (WILINET) AGREEMENT**

This amends the Agreement dated July 14, 1999 and first Amendment dated June 25, 2002 between Washington County, on behalf of the Cooperative Library Services, and the cities of Banks, Beaverton, Cornelius, Forest Grove, Hillsboro, Sherwood, Tigard and Tualatin, Cedar Mill Community Library Association, Garden Home Community Library Association, Tuality Healthcare and Oregon College of Art and Craft as follows:

**Amend Section 2, TERM OF AGREEMENT as follows. Delete existing paragraph and insert:**

This Agreement shall be in effect from July 1, 1999 through June 30, 2004, except as otherwise provided in Section 15 of this Agreement.

**Amend Section 4, SERVICE AVAILABILITY, Paragraph A as follows:**

WILI staff shall be available to service WILInet and support member libraries:

- 8:00 am – 8:30 pm, Monday through Thursday,
- 8:00 am – 6:00 pm Friday,
- 9:00 am – 5:00 pm Saturday, and
- 10:30 am – 6:00 pm Sunday.
- No WILInet support will be provided on days that are declared official holidays by Washington County.

This amendment shall become effective June 30, 2003.

In performing the above, it is understood and agreed that all other terms and conditions of the original Agreement of July 14, 1999 and first Amendment of June 25, 2002 are still in effect.

FOR WASHINGTON COUNTY:

FOR THE CONTRACTOR:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Approved as to form: \_\_\_\_\_  
County Counsel

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF April 22, 2003

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Reimbursement payment to Centrex Homes: Water Main Oversizing

PREPARED BY: Dennis Koellermeier DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Shall the City Council approve the payment of \$32,267.20 to Centrex Homes for the purpose of reimbursing Centrex Homes for costs incurred in oversizing water lines in the recently completed Tuscany Subdivision? Due to the amount of reimburse (over \$25,000) staff is asking Council to act upon this item.

STAFF RECOMMENDATION

Staff recommends reimbursing Centrex Homes \$32,267.20. Currently, City "Water Main Up-Sizing Policy" states that reimburses for upsizing water main lines within developments is a sound engineering practice. Based on the partnering with this development, staff estimates that \$170,000 was saved.

INFORMATION SUMMARY

Last February staff began the process of plan reviewing of the "Tuscany" Development. During that plan review we identified the need to route a larger diameter water main through this development in excess of the development's needs. Information for pipe locations and proper pipe sizing was referenced from our current "Water Distribution System Hydraulic Study, 2000" (the master plan). Upon completion of the project, Centrex Homes and City staff reviewed the actual project costs and agreed to the value of the reimbursement.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

As identified in the "Tigard Beyond Tomorrow" document, one of our Water and Stormwater Goal Strategies is to "build identified water capital improvements".

ATTACHMENT LIST

Provided for reference is "Water Main Up-Sizing Policy", letter from Centrex Homes with breakdown of development costs, letter dated March 7, 2003, by staff regarding the reimbursement.

FISCAL NOTES

Reimbursement for the water line up-sizing within the Tuscany Subdivision totals \$32,267.20. FY 02/03 budget of \$50,000 currently budgeted to cover this expenditure.

MEMORANDUM  
CITY OF TIGARD, OREGON

To: Ed Wegner, Director Maintenance Services

From: Michael Miller, Water Management Analyst

Date: June 20, 1994

Subject: Water Main Up-sizing Policy

The sizing of water mains within our service area has been based on sound engineering practices and the Water Master Plan, taking in account the density, location, and ultimate build out of new developments, in order to determine the correct size of water mains. It has been the policy of the Agency to require developers to fully contribute towards the construction of these new water mains up to a size of 12-inches. Water mains 16-inches and greater are considered transmission facilities, and we are required to reimburse the developer, at a minimum, the difference between the costs of installing a 16-inch water main and a 12-inch water main. There are several options that we can consider when reimbursing developers for the difference between the costs associated with the up-sizing of the water mains.

One of these options, which we currently practice, is to utilize funds from System Development Charges (SDC). This is the most preferable funding source option, because the over sizing of the water main is a capacity increasing facility. Since the SDC fund was established to set aside moneys for future capacity increasing projects, the reimbursement for such an over sizing would qualify for funding from this source.

Another funding option, if SDC funds were unavailable, would be to waive some or all of the 12% development fee that is collected from the developer. This fee is based on the actual costs associated with the installation of the water system. Granted, if the reimbursement was to be larger than the 12% development fee, then the remaining portion would have to come from either the General Fund or possibly from future SDC collections.

We have to remember that some developers, past and present, will continue to argue that we should consider reimbursing the difference between an 8-inch and 16-inch, or even an 8-inch and 12-inch, water main. To date, these arguments have failed because we have been successful in justifying the need of a 12-inch water main, even though it has or has not been listed on the Water Master Plan. This is because we are consistent with the justifications that are used for the sizing of waterlines. Namely, the distance that the

development is from the nearest reservoir supplying the area, required fire flows, density of the development, and final build out of the area.

One of the best examples of water main up-sizing within our service area is in the Bull Mountain Meadows subdivision. This is a very large subdivision with an average lot size of 5,000 square feet. Because of the overall size of the development, approximately 455 single family residences, the proposed 8-inch water main was increased to 12-inches. It is important to mention that the 12-inch water main was not identified on the Water Master Plan for this area. The decision to increase the size of the proposed 8-inch water main to 12-inches was based on sound engineering practices, noting the high density and growth of the area, including fire flow requirements and residential water demand. The developer for this development was not entitled to a reimbursement.

However, in a different location within this same development, the Water Master Plan did identify that a 16-inch water main needed to be aligned along SW Scholls Ferry Road. We required the developer to install the 16-inch water main and reimbursed them the difference between the 16-inch and 12-inch water main with SDC funds after the water main was installed, inspected, and accepted for use.

Again, our practice and policy surrounding the up-sizing of water mains has been to require developers to fully contribute towards the construction of new water mains up to 12-inches in diameter. If the requirement, based on certain criteria, was for a developer to construct water facilities larger than 12-inches, then the Agency would reimburse the developer the difference in the costs associated with the over sizing of the water main above 12-inches.

# CENTEX HOMES

16520 SW Upper Boones Ferry Road  
Suite # 200  
Portland, Oregon 97224

Phone: 503 608-3060

Fax: 503 608-3061

November 6th, 2002

Richard C. Sattler  
City of Tigard  
Water Quality and Supply Supervisor  
13125 SW Hall Blvd.  
Tigard, Oregon 97223

Re: Additional Costs for Watermain Upsizing  
Tuscany Subdivision

Dear Richard;

Centex has made an error in the quantity amount for the installation of the watermain to be reimbursed at the Tuscany Subdivision.

The error is an additional 16" Butterfly Valve and an additional 16" x 8" Reducer which adds up to \$1,431.01. The total credit will be increased from \$33,025.73 to \$34,456.74. I am enclosing a revised itemized estimate with the additional change order items highlighted.

We appreciate your assistance and patience on this matter and would appreciate a response to this request as soon as possible.

If you have any questions, or need additional information, please call me at 503/608-3060 ext. 249.

Respectfully,

CENTEX HOMES



Andy Tiemann  
Tuscany Subdivision Project Manager

City of Tigard  
Water Main Upsizing Charges  
Tuscany Subdivison

72000 - Development Costs

COST CODE	DESCRIPTION	ORIGINAL CONTRACT AMOUNT				COST INCREASE		CREDIT DUE
		UNIT	QUANTITY	PRICE	DOLLARS	PER UNIT	DOLLARS	
	16" Ductile Iron Water Main w/Granular Backfill	LF	1,358.00	34.56	\$46,932.48	15.21	\$20,655.18	\$20,655.18
	12" Ductile Iron Water Main w/Granular Backfill	LF	596.00	25.27	\$15,060.92	5.92	\$3,528.32	\$3,528.32
	8" Ductile Iron Water Main w/Granular Backfill	LF	2,324.00	19.35	\$44,969.40	standard	\$0.00	\$0.00
	8" - 45 Degree Bend	EA	1.00	87.31	\$87.31	standard	\$0.00	\$0.00
	8" - 11 1/4 Degree Bend	EA	6.00	87.31	\$523.86	standard	\$0.00	\$0.00
	8"-22 1/2 Degree Bend	EA	4.00	87.82	\$351.28	standard	\$0.00	\$0.00
	16" - 45 Degree Bend	EA	2.00	384.39	\$768.78	297.08	\$594.16	\$594.16
	16"-22 1/2 Degree Bend	EA	2.00	384.39	\$768.78	296.57	\$593.14	\$593.14
	12" - 11 1/4 Degree Bend	EA	1.00	157.26	\$157.26	69.95	\$69.95	\$69.95
	16" x 16" Tee	EA	2.00	661.72	\$1,323.44	528.02	\$1,056.04	\$1,056.04
	16" X 12" Tee	EA	2.00	533.12	\$1,066.24	399.42	\$798.84	\$798.84
	12" x 12" Tee	EA	1.00	251.18	\$251.18	117.48	\$117.48	\$117.48
	12" X 8" Tee	EA	1.00	206.37	\$206.37	54.56	\$54.56	\$54.56
	8" X 8" Tee	EA	2.00	133.70	\$267.40	standard	\$0.00	\$0.00
	8" Cross	EA	1.00	188.26	\$188.26	standard	\$0.00	\$0.00
CO#2	16" X 8" Reducer Change Order #2	EA	1.00	253.32	\$253.32	253.32	\$253.32	\$253.32
	16" X 8" Reducer	EA	2.00	253.32	\$506.64	253.32	\$506.64	\$506.64
	16" X 6" Reducer	EA	1.00	195.26	\$195.26	195.26	\$195.26	\$195.26
	12" X 8" Reducer	EA	1.00	99.32	\$99.32	99.32	\$99.32	\$99.32
	8" Gate Valve	EA	12.00	493.13	\$5,917.56	standard	\$0.00	\$0.00
	12" Butterfly Valve	EA	4.00	702.49	\$2,809.96	209.36	\$837.44	\$837.44
CO#2	16" Butterfly Valve Change Order #2	EA	1.00	1,277.01	\$1,277.01	1,177.69	\$1,177.69	\$1,177.69
	16" Butterfly Valve	EA	5.00	1,277.01	\$6,385.05	783.88	\$3,919.40	\$3,919.40
72221	Water Mains - Services				\$130,367.08		\$34,456.74	\$34,456.74

*Credit  
8x6" reducer*



March 7, 2003

Andy Tiemann  
Centex Homes  
16520 SW Upper Boones Fry Rd., Suite 200  
Portland, OR 97224

RE: Reimbursement for Water main Upsizing at Tuscany Sub-division

Dear Andy,

Tigard has reviewed your request for the credit of the water line upsizing which took place within your recently completed sub-division. I have also recently received information that the project punch list for "water deficiencies" has now been completed. Based on that information I am able to send you a check for the amount of \$32,267.20.

You will notice that this is a different amount that you had requested in your letter dated November 6<sup>th</sup>, 2002. I have added \$253.32 for the 16"x8" reducer and deducted the amount of \$1011.85 for a 12" Butterfly Valve which was not installed.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me at 503-718-2609.

Sincerely,

Richard C. Sattler  
Water Quality and Supply Supervisor

cc: Brian Rager, City of Tigard, Eng.  
<http://pw/quality/developments/undergrnd/tuscany>

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF April 22, 2003

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award of Contract for Engineering/Hydrogeologic Services – Aquifer Storage and Recovery (ASR) Operations/Support/Expansion

PREPARED BY: Dennis Koellermeier DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board consider and award a contract to Groundwater Solutions, Inc., to provide professional engineering and hydrogeological services to the City relating to its Aquifer Storage and Recovery (ASR) program?

STAFF RECOMMENDATION

Staff recommends awarding this contract to Groundwater Solutions, Inc., for the amount of \$69, 845.

INFORMATION SUMMARY

Staff published a “Request for Proposals” in the Daily Journal of Commerce on March 20, 2003, requesting proposals from qualified hydrogeologic engineering firms to provide services relating to the City’s ASR program. Specifically, those services were to include: ASR operational support, regulatory reporting, and ASR expansion planning. The following firms submitted proposals for the listed prices.

LDC Design Group	\$ 28,430	AMEC Earth & Environmental	\$141,697
Golder Associates	\$ 38,048	Groundwater Solutions Inc.	\$ 69, 845

Staff has evaluated each proposal based on pre-determined criteria, and concluded that the proposal from Groundwater Solutions, Inc., presents the best combination of local experience, expertise, and approach for the price.

OTHER ALTERNATIVES CONSIDERED

1. Reject all proposals
2. Award the contract to another proposer
3. Give staff further direction

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Operations of our one existing ASR well and expansion of our ASR program are specifically listed as strategies and action plans in the 2002 progress report of “Tigard Beyond Tomorrow”.



---

ATTACHMENT LIST

N/A

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FISCAL NOTES

ASR operations and expansion is currently budgeted for in the Water Fund and the Water CIP Fund.

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF \_\_\_\_\_

CITY OF TIGARD, OREGON  
LOCAL CONTRACT REVIEW BOARD AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Purchase of three (3) police vehicles

PREPARED BY: Assistant Chief Alan Orr DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

---

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Approve the purchase of three (3) marked police vehicles

---

STAFF RECOMMENDATION

Staff recommends approval of the purchase of three (3) 2003 Ford Crown Victoria's. This is consistent with the fleet replacement plan for the City of Tigard.

---

INFORMATION SUMMARY

All three vehicles were included in the 2002/2003 budget and funds are available. The City will be "piggy-backing" off the State of Oregon price agreement 2113 to purchase the police vehicles. ORS 279.015 allows the City to utilize an existing contract from another agency that has been let by competitive bidding and has the cooperative language in the contract. The contract mentioned above meets this rule.

---

OTHER ALTERNATIVES CONSIDERED

Not purchase vehicles. This would be more costly in the long term as our patrol fleet would incur higher maintenance costs.

---

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

This purchase is consistent with our Public Safety category.

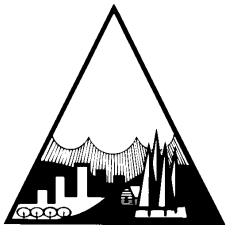
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ATTACHMENT LIST

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FISCAL NOTES

The vehicles cost \$21,013.99 each, which includes the required police equipment. The total cost is \$63,041.97 and funds were budgeted for this purchase.



# PURCHASE REQUISITION

## CITY OF TIGARD

13125 SW Hall Blvd.  
Tigard, Oregon 97223  
(503) 639-4171 Fax (503) 639-1471

Date: 1-9-03  
From: Al Orr/Ben Tracy  
Dept: Police

TO: : GRESHAM FORD  
1945 EAST POWELL  
PO BOX 647  
GRESHAM OR 97080

Phone: #: (503) 665-0101  
Fax: : 503-665-0497  
Email: \_\_\_\_\_  
Federal ID No.: \_\_\_\_\_ (For services only)

### DELIVER TO:

- ☐ 13125 SW HALL BLVD ☐ 8720 SW BURNHAM STREET  
☐ 12800 SW ASH STREET ☐ 8777 SW BURNHAM STREET

Qty	Vendor Item No.	Description	Dept/Account No.	Unit Price	Extended Price
4	P71	2003 Crown Vic police interceptor as per State price agreement #PA2113 Black -exterior, Med parchment - interior		19,638.99	78,555
4	H_	Cloth front/cloth bench		<58>	<232>
4	59M	Side air bags		227	908
4	68P	Complete police prep package		1598.00	6392
4	53M	Radio supression package		62	248
4	61H	Ignition powered decklid release		54	216
4	177	Silicone hoses w/aircraft clamps		267	1068
4	478	Courtesy lamp disable		13	52
4	51A	Drivers side spot light		151	604
4	153	Front license plate bracket		N/C	N/C
4	45C	Limited slip differential		85	340
4	432	Keyed alike code #1284X		35	140
4	96C	Color keyed body side molding		N/C	N/C
4	21A	Power drivers seat		321	1284
4	185	Lateral bow reinforcement		62	248
4	157	Rear door locks and handles inoperative		18	72
		Shipping and Handling			

Comments:			
	TOTAL		

APPROPRIATION BALANCE: \_\_\_\_\_ AS OF: \_\_\_\_\_ PURCHASING AGENT: \_\_\_\_\_

**APPROVALS:**

(IF UNDER \$50) DEPARTMENT DESIGNEE: \_\_\_\_\_

(IF UNDER \$2500) DEPARTMENT DESIGNEE: \_\_\_\_\_

(IF UNDER \$7500) DEPARTMENT HEAD/DESIGNEE: \_\_\_\_\_

(IF UNDER \$25000) CITY MANAGER: \_\_\_\_\_

(IF OVER \$25000) LOCAL CONTRACT REVIEW BOARD: \_\_\_\_\_

CAPITAL EXPENDITURES NOT BUDGETED: (IF UNDER \$2500) DIRECTOR OF FINANCE: \_\_\_\_\_

(IF OVER \$2500) CITY MANAGER: \_\_\_\_\_

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Street Maintenance Fee Public Hearing

PREPARED BY: A.P. Duenas DEPT HEAD OK A.P. Duenas CITY MGR OK \_\_\_\_\_

---

ISSUE BEFORE THE COUNCIL

City Council will conduct a public hearing on the proposed Street Maintenance Fee to receive input for consideration prior to deciding on a course of action regarding the proposed fee.

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RECOMMENDATION

Following the public hearing on the proposed fee, staff recommends that City Council consider all the information available and provide direction to staff regarding possible implementation.

---

INFORMATION SUMMARY

At a workshop meeting on March 18, 2003, City Council was presented a brief overview of the proposed Street Maintenance Fee. The presentation included a review of what some other cities are doing to address maintenance funding shortfalls and a list of some options that Council could consider regarding possible implementation of the proposed fee. Following the presentation and discussion, City Council decided to conduct a public hearing at the Council meeting on April 22, 2003 to receive public input regarding the proposed fee. Council direction on any future action on the proposed fee is expected after the hearing has been conducted and Council has had the opportunity to consider all the information provided to them regarding the proposed fee.

The Street Maintenance Fee is a monthly fee based on use of the transportation system and is typically based on trip generation rates. The fee would be charged to each household and business in the City and would be collected through the City's regular monthly sewer and water bill. The intent is to have the users of the road system share the costs of the corrective and preventative maintenance needed to keep the street system operating at an adequate level. The proposed fee would provide a stable source of revenue to supplement gas tax revenues. The revenue received through the fee would be dedicated to maintenance of the street system.

Tigard has approximately 140 miles of paved streets, and an estimated \$4.5 million maintenance backlog as of 2002. That maintenance backlog includes street reconstruction, regular overlays, thin overlays and "digouts" as needed. Without a stable source of revenue dedicated to maintenance, the street system would most likely continue to deteriorate even further requiring expensive reconstruction later. Badly deteriorated streets can have a huge economic impact as goods and people have difficulty getting to their destinations. Vehicle repair costs would most likely increase as motorists drive on poorly maintained roads.

The proposed fee would raise slightly over \$1.6 million annually with \$800,000 dedicated for street maintenance, \$270,000 for limited rights-of-way maintenance on collectors and arterials, \$90,000 for limited sidewalk maintenance on collectors and arterials, and \$445,000 for streetlight and traffic signal maintenance Citywide. The amount to be raised annually for street maintenance would be used to address the maintenance

backlog through implementation of a long-term plan that takes into account future reconstruction on some of the high-volume streets.

The proposed monthly rates are \$2.54 for each single family residence and \$1.76 per unit for multi-family units. Businesses are grouped into categories based on the number of trips generated by the type of business. Those businesses would be charged a monthly rate per unit (typically per 1,000 square feet of gross floor area). The total monthly charge for each business would be the rate for the category the business falls under multiplied by the number of units measured for that business.

Council has the authority to establish the Street Maintenance Fee by ordinance. The proposed fee could be adopted by ordinance and the rates established by resolution. If Council does approve implementation, the effective date for the fee could be set several months after Council adoption of the ordinance and resolution. This would give the City of Tigard staff sufficient time to set up the fund and do the necessary work to ensure that the amounts can be incorporated on the utility bills without a glitch in the billing process. Periodic review of the rates established and the maintenance needs would be built into the establishment of the fee.

---

#### OTHER ALTERNATIVES CONSIDERED

None

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#### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Timely maintenance of the street infrastructure meets the Tigard Beyond Tomorrow goal of *Improve Traffic Safety*. The implementation of the Street Maintenance Fee meets the goal of *Identify and Develop Funding Resources*.

---

#### ATTACHMENT LIST

Notices given:

- a. Notice of Public Hearing published in the Tigard Times April 3, 2003
- b. Notice of Public Hearing mailed to various citizens and businesses who gave previous input
- c. Copy of announcement at the City website
2. List of written comments received to date
3. Copies of letters/emails received to date

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#### FISCAL NOTES

None at this point. The implementation of the Street Maintenance Fee would provide funding for street maintenance, limited ROW maintenance, limited sidewalk maintenance, and street light and traffic signal system energy costs and maintenance.

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## Public Notices

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## CITY OF TIGARD OREGON

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### Notice of Public Hearing

The TIGARD CITY COUNCIL on Tuesday, April 22, 2003 at 7:30 PM at the City of Tigard Town Hall, 13125 SW Hall Blvd., Tigard, Oregon, will consider

#### Street Maintenance Fee

The Tigard City Council will receive public input regarding the proposed Street Maintenance Fee. Council direction or any future action on the proposed fee is expected after the hearing has been conducted and Council has had the opportunity to consider all the information provided to them regarding the proposed fee.

Information is available at City Hall, 13125 SW Hall Blvd., Tigard, Oregon 97223. Further information may be obtained from the Engineering Department by call 503-634-4171 or checking our website at [www.ci.tigard.or.us](http://www.ci.tigard.or.us).

TT 10209 - Publish April 3, 2003.

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April 11, 2003



# **Notice of Public Hearing**

**Tigard City Council  
Tuesday, April 22, 2003  
7:30 PM**

## **STREET MAINTENANCE FEE**

The Tigard City Council will receive public input regarding the proposed Street Maintenance Fee. Council direction or any future action on the proposed fee is expected after the hearing has been conducted and Council has had the opportunity to consider all the information provided to them regarding the proposed fee.

Information is available at City Hall, 13125 SW Hall Blvd., Tigard, OR 97223. Further information may be obtained from the Engineering Department by calling 503-639-4171 or the agenda item may be downloaded from our website at [www.ci.tigard.or.us](http://www.ci.tigard.or.us) (select City Council Agenda from Quick Links or Street Maintenance Fee from the Hot Topics).

I:\eng\gus\street maintenance fee\note public hearing cc 4-22-03 smf.doc



OwnerContact	ContactCompanyNa me	Address	CityStateZip	PropertyOwner
Karianne Cole - Public Affairs	Albertsons	250 Parkcenter Boulevard	Boise, Idaho 83706	Albertsons
	Barclay's Realty & Management Co	9777 Wilshire Blvd., Ste 1009	Beverly Hills, CA 90212	Tigard, Center LP
Mike Minter, Assistant Warehouse Mgr	Costco Wholesale	7855 SW Dartmouth	Tigard, OR 97223	Costco
Ms. Gail Tsuboi	Costco Wholesale Corporation	999 Lake Drive	Issaquah, WA 98027	Costco
Shanna Lehman	Deloitte & Touche LLP	2235 Faraday Ave. Suite O	Carlsbad, CA 92008	BPP Retail LLC
	Forum Properties	Five Centerpointe Dr Suite 2	Lake Oswego, OR 97035	BIT Holdings LTD Partnership
Dick Clark, Vice President	Fred Meyer Stores, Inc.	PO Box 42121 (04002/33-R)	Portland, OR 97242-0121	Fred Meyer Stores, Inc.
Dr. Steve Louder	Tigard-Tualatin School District	6960 SW Sandburg Rd	Tigard, OR 97223	Tigard -Tualatin School District
Jeffrey H. Keeney	Tonkon Torp LLP	1600 Pioneer Towner 888 SW Fifth Avenue	Portland, OR 97204	Costco
Kathy Nash	PURS	11410 SW 68th Parkway	Tigard OR 97223	
Michelle Korb, Store Manager	Nordstrom	9700 SW Washington	Tigard, OR	
Jack Reardon, SCM, CMD	Washington Square Washington	Square Road	97223-4480	
Brian Kovacich	Embassy Suites Hotel- Portland Washington Square	9000 SW Washington Sq Rd	Tigard, Or 97223	
Gene McAdams		13420 SW Brittany Drive	Tigard, OR 97223-1530	
Mark D. Whitlow	Perkins Coie	1211 SW Fifth Ave. Suite 1500	Portland, OR 97204-3715	



11 Apr 2003



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[Transportation Finance Strategies Task Force Meeting Minutes](#)

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You will need the free  
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**Public Hearing:**  
 Tuesday, April 22  
 7:30 PM  
 Tigard Town Hall

### Overview

The City of Tigard is considering the establishment of a Street Maintenance Fee to supplement the Oregon State Gas Tax and protect the City's investment in the street infrastructure through timely maintenance and repair. The revenue from this fee will be dedicated to maintenance of the street system. The gas tax has not been increased in a decade. As operating costs rise each year, the amount available from the gas tax continues to decrease and can no longer adequately address the maintenance needs of the existing infrastructure.

The Street Maintenance Fee is a monthly fee based on

### Public Hearing on the Street Maintenance Fee Scheduled for April 22, 2003

At the Council meeting on March 18, 2003, City Council decided to conduct a public hearing to receive public input regarding the proposed Street Maintenance Fee. That public hearing has been scheduled for the City Council meeting on April 22, 2003 at 7:30 p.m. in Town Hall. Council direction on any future action on the proposed fee is expected after the hearing has been conducted and Council has had the opportunity to consider all the information provided to them regarding the proposed fee.

If you have any questions, please do not hesitate to

the number of trips a particular land use generates and would be collected through the City's regular monthly sewer and water bill. Users of the road system share the costs of the corrective and preventative maintenance needed to keep the street system operating at an adequate level. The implementation of this fee was recommended to the City Council by the City's Transportation Financing Strategies Task Force, a citizen task force formed to evaluate and recommend to Council feasible alternative funding sources for street maintenance and street expansion needs.

These web pages include a synopsis of the Street Maintenance Fee and the Street Maintenance Fee Study Report that we prepared to determine fees that would be paid by residents and businesses within Tigard. Please review the information and provide us with comments as early as possible.

contact:

**Gus Duenas**  
(503) 639-4171 x2470 or  
[gus@ci.tigard.or.us](mailto:gus@ci.tigard.or.us)

**Diane Jelderks**  
(503) 639-4171 x2465  
[dianej@ci.tigard.or.us](mailto:dianej@ci.tigard.or.us)

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(IE 5.0+ or Netscape 6.1+ only)

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[City of Tigard, 13125 SW Hall Blvd, Tigard, OR 97223 \(503\) 639-4171](#)

December 9, 2002

Mayor Jim Griffith  
Members of the City Council  
City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

Re: Proposed Road Maintenance Fee

Dear Mayor Griffith and Council Members;

I am writing on behalf of the 140 merchants at Washington Square who will bear 12% of the total annual cost of the Proposed Road Maintenance Fee if approved by the council. There are several reasons we feel this proposed fee is inequitable and oppressive.

1. Retailers have no way of recovering the expense. In almost all cases the prices for merchandise are set corporately or regionally for each store. Businesses other than retail are in a very competitive environment and will also have a difficult time recovering the expense. Therefore, the fee will be a direct expense reducing the bottom line of most every commercial business in Tigard.
2. The budget proposed for this fee covers more than additional needs of the city for street maintenance. Most cities and counties, as well as the state, receive enough funding from the gas tax for maintenance purposes. It is the capital projects that the present gas tax revenues fall short of funding. Staff admittedly will, with this new fee, be able to free up dollars for capital projects by shifting dollars presently received from gas tax revenue sharing. We don't believe the business community should bear the burden of providing funding the voters have recently rejected.
3. The trip generation method of computing the rates is inequitable. This formula may be an acceptable and reasonable way to determine development fees, but does not work very well for determining this unusual type of fee. The trip generation of a shopping center like Washington Square, or even a business operating along Hwy 99, is primarily dependent on the major highway system. None of the revenue from this fee would go towards funding improvements to the major roadway system that this region so desperately needs and the merchants at Washington Square depend on so heavily.
4. A fee of this nature should be the same across the region, or at the minimum, countywide. The city of Beaverton is not planning to propose this type of a fee. Therefore, revenues from such fees imposed on businesses at Washington Square, in addition to providing no direct benefit to the merchants at Washington Square, will provide no benefit to the other jurisdictions located in the Washington Square market area.

Believing there is a strong need for additional transportation funding, Washington Square has been an avid supporter, through our involvement in the Westside Economic Alliance, of an increase in user-based taxes or fees for road maintenance and capacity improvements. However, we feel a fee imposed primarily on business is a very inequitable method of attaining additional funding. In this difficult economic climate, business is already finding it a strain to make a profit and cannot afford to bear the burden of non-user based fees for maintaining city streets, street lighting, and sidewalks that primarily benefit the residents of the city. Therefore, we feel it is bad policy for individual cities to decree such fees.

We respectfully ask that the council NOT approve the Proposed Street Maintenance Fee and alternately continue to work with the other jurisdictions in the region to develop user-based funding for regional road improvement programs.

Thank you for your consideration.

Sincerely,

Jack Reardon, CSM, CMD  
Senior Manager, Property Management

Copies to:

Mayor/Council	✓	Other:
City Manager	✓	<u>Liz</u>
Council File	✓	<u>Gus</u>
		<u>Cathy W</u>

13420 S.W. Brittany Drive  
Tigard, Oregon 97223-1530  
December 3, 2002

*P*

Mayor Jim Griffith  
City of Tigard, Oregon  
13125 S.W. Hall Blvd.  
Tigard, Oregon 97223

RECEIVED C.O.T.  
C O 2002  
Administration

Dear Mayor Griffith:

This letter is forwarded to request time to describe and explain apparent deficiencies in the present status of the "street maintenance fee" proposal which is to be considered at your December 17, 2002 Council meeting. I will need (and request) at least 15 minutes to outline the most salient issues

I recognize and understand this meeting will probably be classified as a "Council Worksession". Traditionally, the agenda for such meetings does not include any authorization (not even two minutes) for public comment.

As the presiding officer, I presume you are empowered to grant my request.

Respectfully,



G.E. McAdams

SMF

Dear Tigard Mayor and Staff,

I have been a Tigard resident and property owner for the past 7 years. I truly enjoyed the new homes, parks and easy access to the major shopping malls.

As you all know, my property tax was increased over 10% due to the new library and school bond which I voted to support. I have just learned the news about Street Maintenance Fee. How will that affect my decision to continue to live in Tigard?

I came across a house in the premier LADD's Addition in Portland with the same square footage like the one I have in Tigard. The property tax on the LADD's addition house is only \$3800 vs the \$4200 I paid this year in Tigard. I am in serious concerns as what's going to happen to my financial responsibilities to continue to live in Tigard. In addition, the DSL and cable bills are lower in City of Portland as well.

Best regards,

Will Hu

---

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NORDSTROM

November 4, 2002

City of Tigard  
Mr. Gus Duenas  
13125 SW Hall Blvd.  
Tigard, OR 97223

Re: Street Maintenance Fee

Dear Mr. Duenas,

This letter shall serve as Nordstrom, Inc.'s written opposition to the Street Maintenance Fee and we respectfully ask the City Council to disapprove such a fee.

While we acknowledge the City of Tigard's need to protect its investment in the street infrastructure, we believe this fee is disproportionately assessed against businesses. We feel there is a more equitable manner to assess such fees for an investment that benefits all members of the community.

Sincerely,

Michelle Korb  
Store Manager  
Nordstrom Washington Square





Mark D. Whitlow  
PHONE: 503.727.2073  
EMAIL: mwhitlow@perkinscoie.com

1211 S.W. Fifth Avenue, Suite 1500  
Portland, OR 97204-3715  
PHONE: 503.727.2000  
FAX: 503.727.2222  
www.perkinscoie.com

August 7, 2002

**BY FACSIMILE**

Mr. Bill Monahan  
City Manager  
City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

**Re: Proposed Street Maintenance Fee**

Dear Bill:

Enclosed is a copy of the draft letter which we are prepared to send to the Mayor and City Council as discussed in our telephone conversation last evening. As also then discussed, we would like to have the opportunity to first review this matter with you and the City's attorney.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mark D. Whitlow".

Mark D. Whitlow

MDW:djf

Enclosure

cc: Tim Ramis  
Gary Firestone

**DRAFT**

Mark D. Whitlow  
PHONE: 503.727.2073  
EMAIL: mwhitlow@perkinscoie.com

August 7, 2002

Hon. Jim Griffith, Mayor and  
Tigard City Council  
13125 SW Hall Blvd.  
Tigard, OR 97223

**Re: Proposed Street Maintenance Fee**

Dear Mayor Griffith and Council Members:

This letter is written on behalf of the Oregon Grocery Industry Association (OGIA), whose representative members include Albertson's, Fred Meyer, Safeway and WinCo, as well as grocery industry wholesalers, brokers, manufacturers and suppliers. The OGIA has 6 members representing 12 business locations within the City of Tigard. Please make this letter a part of the City's record in these proceedings.

We understand that the City is considering enacting a Street Maintenance Fee ("SMF") for purposes of funding maintenance and improvements to streets, sidewalks, streetlights and traffic signals within the public right-of-way in Tigard. OGIA and its members respect the City's exploration of alternative means to finance needed public improvements. However, the adoption of this "fee" will create an unacceptable precedent for the adoption of taxes disguised as fees throughout the region and the state. We would urge the City to withhold the adoption of the proposed SMF in favor of seeking an acceptable alternative solution to the transportation system funding problem.

Even if the "fee" were not a disguised tax, there are numerous other problems with its structure, including a disproportionate fee allocation methodology resulting in payments disproportionate to system impacts. However, we believe that the proposed "fee" would be subject to a successful challenge as a tax for the reasons set out below. If the City is determined to go forward with the adoption of an ordinance enacting the SMF, we are prepared to file a complaint for declaratory relief in Washington County

August 7, 2002

Page 2

Circuit Court similar to the draft complaint attached to this letter. We would also consider filing an appeal under Measure 5 in the Oregon Tax Court.

First, the SMF is beyond the authority of the City of Tigard to impose, because it is actually a tax, and the city's charter does not authorize the enactment of a tax for purposes of raising revenue for city-wide street maintenance. Second, the SMF violates the Uniformity Clause of the Oregon Constitution. Third, the SMF appears to be a tax on property that is invalid because it is not levied on an ad valorem basis, and because it exceeds the property tax limitations created by Article XI, Section 11b of the Oregon Constitution.

Despite the City's attempt to characterize the SMF as a fee, it is clearly a disguised tax. The supporting documents leave no question that the City is attempting to find an alternative source of general revenue to fund maintenance of public right-of-way that will benefit the entire city. The Oregon Supreme Court has held that any governmental charge, the primary purpose of which is to raise revenues for general public benefits, is a tax.<sup>1</sup> This is true regardless of the structure of the charge and regardless of the label applied. In the *Sproul* case, the court noted that the label placed on a governmental exaction (i.e., "tax" or "fee") is not conclusive of the nature of the levy." *Sproul*, 234 Or at 581. Thus, courts must look at the underlying purpose of the levy, and determine whether it is assessed against the entire jurisdiction for benefits accruing to everyone, in which case it is a tax, or whether it is responsive to more specific regulatory needs that are occasioned only by those on whom the levy falls, in which case it is a fee. *Id.* at 587-93. The City documents supporting the SMF state that the SMF is needed to provide a supplemental revenue source to replace declining gas tax revenues. The obvious city-wide public purposes giving rise to the SMF make it a tax, notwithstanding the drafters' efforts to disclaim that characterization. Because the purpose of the SMF is to generate revenue for city-wide public benefits that will be paid by everyone in the city, it is by definition a tax under the applicable case law. The Charter of the City of Tigard does not provide the

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<sup>1</sup> See, e.g., *Haugen v. Gleason*, 226 Or 99, 104 (1961), where the Oregon Supreme Court explained that the appropriate test for whether a "fee" is really a tax is "whether the primary purpose of the county is to accomplish desired public benefits which cost money, or whether the primary purpose is to regulate...." By the City of Tigard's own admission in the documents supporting the SMF, the primary purpose of the SMF is to create a funding source to replace declining gas tax revenues for the maintenance of public streets. The primary purpose of the SMF is not to "regulate" streets, rather, it is to generate money to pay for general public benefits associated with city-wide street maintenance. See also *Sproul v. State Tax Com.*, 234 Or 579 (1963).

August 7, 2002

Page 3

council with authority to enact a tax for purposes of maintenance of the public right-of-way.

In the leading case in this area, a "street utility charge" imposed by the City of Seattle (very similar to the proposed SMF) was thrown out by the Washington Supreme Court for being a tax, and not a regulatory "fee." In *Covell v. City of Seattle*, 905 P2d 324 (Wash. 1995), the court relied in part on the Oregon Supreme Court's decision in *Haugen* in creating a three-part test, the first portion of which is to determine "whether the primary purpose of the [city] is to accomplish desired public benefits which cost money, or whether the primary purpose is to regulate." *Covell* at 327 (quoting *Haugen*). The *Covell* court found that the "fee" was really an impermissible tax because the focus of the ordinance was on generating funding for the general public benefit of improving streets, not regulating the use of city streets by those being assessed. The court held that the fee was really a tax because: "the revenue to be collected bears no relationship to the regulation of street traffic, but is to generate funds for the nonregulatory function of repairing streets." *Covell* at 331. The same statement could be made about the City of Tigard's proposed SMF — its purpose is to generate funding for public benefits associated with streetscape improvements throughout the City. It has nothing to do with regulating the use of streets. Under the test applied by the Oregon Supreme Court in *Haugen*, and adopted by the Washington Supreme Court in *Covell*, the SMF is plainly a tax, not a fee, and is therefore beyond the city's authority to enact.<sup>2</sup>

Not only is the SMF a tax, we believe it is a property tax. By its terms, the SMF is imposed upon the use of property. This conclusion is not negated by the fact that the SMF will be collected through water or sewer bills. This is proven, among other ways, by the fact that if there is no water service to the property, the use of the property is still subject to the SMF. The SMF is an impermissible tax on property because it is not levied on an ad valorem basis — it is levied based on estimated traffic impacts, rather than on assessed value. Also, the tax would be in violation of the property tax limitations imposed by Article XI, Section 11b of the Oregon Constitution.

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<sup>2</sup> See also *Samis Land Co. v. City of Soap Lake*, 23 P3d 477, 484 (Wash. 2001) (holding that the city's "standby charge," which was imposed on unimproved land abutting city water and sewer lines, was really a tax and not a fee: "The city's primary legislative motivation here was to generate additional revenues to finance broad-based public improvements, not to 'regulate' those entities paying the standby charge.")

August 7, 2002

Page 4

Additionally, as a tax, it violates the Uniformity Clause of Article I, Section 32 of the Constitution of Oregon, which requires that "all taxation shall be uniform within the territorial limits of the authority levying the tax." While classifications are permitted within a taxing jurisdiction, the City's proposed charges are not applied uniformly based upon the value of the property or other actual, qualitative differences, but instead are based upon *estimated* traffic impacts. As explained by Oregon Supreme Court: "A classification, to survive the protections of the uniformity in taxation clauses of the state constitution, must be based on real differences between the subjects disparately treated by the classification." *Mathias v. Dept. of Rev.*, 312 Or 50, 59 (1991). The City's exclusive reliance on *estimated* average trips in creating the SMF classifications does not satisfy this requirement, and the SMF is in violation of Article I, Section 32.

For all of the above reasons, OGIA requests that the City decline to adopt the proposed SMF. In the alternative, we request that adoption of the SMF be deferred pending further deliberations and discussions with affected segments of the industry.

Respectfully submitted,

Mark D. Whitlow

MDW:djf

cc: Augustin P. Duenas, P.E.  
Bill Monahan, Esq.  
Gary Firestone, Esq.  
OGIA



C: Mayor / Council  
Bill Morahan  
Cous Duenas

July 22, 2002

The Honorable James Griffith  
Office of the Mayor  
City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

RECEIVED C.O.T.

JUL 26 2002

Administration

Dear Mayor:

On behalf of Albertsons, thank you for the opportunity to submit our concerns over the proposed Street Maintenance Improvement Fee (SMIF) being considered by the City of Tigard. We understand the tight fiscal situation facing the City of Tigard and we appreciate the difficulties in maintaining increasing levels of service coupled with the challenges of rising operating costs and inadequate funds available from the gas tax.

Albertsons is committed to supporting the communities in which we operate. We are privileged to operate in Tigard and throughout Oregon, and we feel that our level of service and our participation within each community demonstrates our recognition of that honor.

Our concern with the proposed Tigard SMIF is threefold. First, we believe that the proposal is inherently inequitable. As the proposal is written, there is a significantly higher portion of the SMIF costs borne by businesses in the community, as compared to other land-owners. Albertsons is committed to working with the City of Tigard to develop a much more equitable approach to maintaining streets and sidewalks.

Secondly, it appears that Tigard is basing their cost-allocation formula on the concept of "generated trips" from the Institute of Transportation Engineers (ITE) Manual. We contend, however, that grocery stores tend to be what the ITE refers to as "diverted linked trips." Consideration of diverted trips would create a much more balanced approach to the cost of the Tigard SMIF. Instead, the retail industry bears almost the entire burden of the proposed fee. The assumption that retail businesses impact the local transportation system more than other classes is unsubstantiated.

Finally, we are concerned with the city's authority to implement the Street Maintenance and Improvement Fee. It is this very question of authority, in fact, which gave rise to a successful lawsuit from a retail coalition against the city of Portland and the SMIF proposal there. The City of Portland, as a result of the legal challenge, repealed their street fee proposal. The Oregon Grocery Industry is committed to monitoring and taking action against street fees and other disguised taxes, as they did with the Portland proposal.



Mayor Griffith  
Page 2  
July 22, 2002

For these reasons, it is our hope that you will reconsider your SMIF proposal and allow Albertsons to work with you to develop a much more regional and comprehensive approach to transportation funding needs throughout Oregon. We look forward to working with you. Please do not hesitate to call should you have any questions. I can be reached at 208/395.6410.

Sincerely,

Karianne Cole  
Sr. Government Relations Representative

cc: Councilor Brian Moore  
Councilor Ken Scheckla  
Councilor Craig Dirksen  
Councilor Joyce Patton  
Augustin Duenas  
Joe Gilliam

## Submitted from the Oregon Grocery Industry Association Representative

There are six key components that must be part of any funding mechanism:

- 1 The charge must be a fee, not a tax on property.
2. The fee rate must have parity between residential and commercial fee payers.
3. It should be based on a quantifiable standard that is easy for any fee payer to understand.
- 4 All projects should be prioritized and completed to the extent of funds available.
5. The total amount of the fees collected should be directly tied to the cost of the prioritized projects.
6. The fee should under go periodic review and be adjusted to reflect the completion of projects and the commencement of new projects.



**From:** <Bkovacichgm@aol.com>  
**To:** <gus@ci.tigard.or.us>  
**Date:** 2/4/03 11:00AM  
**Subject:** street maintenance fee

Dear Mr. Duenas,

My name is Brian Kovacich and I am General Manager of the Embassy Suites Hotel here in Tigard. Can you please tell me what land use category my business would fall into and what would be the unit of measurement in determining our monthly charge if the street maintenance fee is implemented.

Thank You!

Brian Kovacich  
Embassy Suites Hotel-Portland Washington Square  
9000 SW Washington Square Road  
503 644 4000

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF April 22, 2003

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Consider an Ordinance Revising Chapter 2.12 of the Tigard Municipal Code to Update and Activate the Park and Recreation Advisory Board

PREPARED BY: Bill Monahan DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Consider the proposed revisions to Chapter 2.12 to update and activate the Park and Recreation Advisory Board.

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STAFF RECOMMENDATION

Adopt the ordinance revising the Tigard Municipal Code, Chapter 2.12

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INFORMATION SUMMARY

2003 Council Goal No. 4 – Parks and Recreation listed the following components:

- A. Continue the efforts of the Youth Forum.
- B. Complete or update parks master plans for city facilities.
- C. Explore the creation of a Parks and Recreation Advisory Board.

Attached is a proposed ordinance that addresses Item “C” above to modify Chapter 2.12, converting the authority for a Park and Recreation Board to a Park and Recreation Advisory Board. Also attached is a memorandum that explains some of the changes made to the proposed ordinance after the Council discussion on February 25, 2003.

On March 11, the City Council heard a report regarding the existing Chapter 2.12 which authorizes a Park and Recreation Board. The board has been inactive for several years. Council directed that changes, reflecting their latest objectives, be incorporated into Chapter 2.12 and brought forward for their consideration. Council directed that the board, allowed by Chapter 2.12, be reactivated.

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OTHER ALTERNATIVES CONSIDERED

- A. Suggest additional changes to the ordinance.
- B. Postpone modifications to Chapter 2.12, the Park and Recreation Board.

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## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal 3, Strategy 1, of the Urban & Public Services Target Area, states: “Develop partnerships with current providers to provide opportunities for recreation.”

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### ATTACHMENT LIST

1. Proposed ordinance.  
Exhibit A – Amendments to Chapter 2.12 of the Tigard Municipal Code.
  2. Finalized version Chapter 2.12, (if ordinance is approved).
  3. Memorandum dated February 28, 2003, from City Manager Monahan.
  4. Resolution No. 01-21, outlining the process to appoint alternate board members.
- 

### FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

ORDINANCE NO. 03-\_\_\_\_\_

AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE, CHAPTER 2.12 , REGARDING THE PARK AND RECREATION BOARD.

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WHEREAS, the City of Tigard is a growing community with increasing needs for park and recreation activities; and

WHEREAS, the City has completed master plans and improvements to several City parks, but further work remains; and

WHEREAS, Tigard has not had a separate Park and Recreation Advisory Board since the dissolution of the former Park and Recreation Board in the early 1990's; and

WHEREAS, the Tigard Planning Commission has ably provided advice to the City Council and staff on parks-related issues for more than ten years; and

WHEREAS, the City is in need of an advisory group that can focus solely on park and recreation needs of the community.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1:       The City Park and Recreation Advisory Board shall, at its first meeting after the effective date of this ordinance, elect a chairperson and vice chairperson, who shall hold office during the pleasure of the board, and the board shall elect a secretary who need not be a member of the board, and the secretary shall keep accurate records of all board proceedings.

SECTION 2:       If any member resigns or is unable to serve the term for which the member was appointed, the vacancy will be filled as set forth by Tigard City Council resolution regarding the appointment of alternates to boards and committees.

SECTION 3:       The Tigard Municipal Code, Chapter 2.12, is hereby amended as shown in the attached Exhibit A, which is incorporated herein by this reference.

SECTION 4: Inasmuch as it is deemed necessary for the public health, peace and safety of the citizens of Tigard that an advisory board on park and recreation matters be established, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect on and after the date following its adoption by the City Council and signature by the Mayor.

PASSED: By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
James E. Griffith, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

I:\ADM\PACKET '03\20030422\PARK AND RECREATION ORD 2.DOC

# TIGARD MUNICIPAL CODE

## Chapter 2.12 PARK AND RECREATION ADVISORY BOARD.

### Sections:

- 2.12.010 Appointments.
- 2.12.020 Meetings.
- 2.12.030 Public Meetings.
- ~~2.12.04030~~ Advisory Capacity.
- ~~2.12.05040~~ Terms Of Office.
- 2.12.060 Term Limits.
- ~~2.12.07050~~ General Functions And Responsibilities.
- ~~2.12.060 Specific Responsibilities.~~

### 2.12.010 Appointments.

A park and recreation advisory board is created, hereinafter referred to as the "park and recreation advisory board." The park and recreation advisory board shall consist of seven ~~nine~~ persons. ~~Eight persons shall be~~ appointed by the cCity cCouncil. ~~Not more than two of whom may be nonresidents of the cCity. A ninth person shall be a Non-voting members of the park and recreation advisory board may be appointed by the mayor upon the recommendation of the Tigard-Tualatin school district board and such other bodies as the mayor deems would be appropriate to contribute input to the park and recreation advisory board.~~ ~~confirmed by the City Council, and such persons shall reside within the established boundaries of the Tigard school district.~~ All voting park and recreation advisory board members shall have equal status in recommendation and voting powers. Park and recreation advisory bBoard members shall receive no compensation.

A chair~~personman~~ and vice chair~~personman~~, and a secretary shall be elected by the membership at the start of each year. A chair~~personman~~ shall not serve consecutively for more than two years in said capacity. (Ord. 80-45 §1(part), 1980: Ord. 79-93 §2(part), 1979: Ord.

79-27 §2, 1979: Ord. 78-12 §2, 1978: Ord. 72-66A §1, 1972: Ord. 70-11 §1, 1970).

### 2.12.020 Meetings.

The park and recreation advisory board shall hold meetings as needed, but shall not meet less than six times per year. Minutes of each meeting shall be prepared and submitted to the cCity rRecorder not more than ten business ~~seven~~ days following a park and recreation advisory board meeting. ~~These minutes shall be reviewed by the City Council at a regular meeting.~~ (Ord. 85-29 §1, 1985: Ord. 79-93 §2(part), 1979: Ord. 72-66A §2, 1972: Ord. 70-11 §2, 1970).

### 2.12.030 Public Meetings

The park and recreation advisory board shall comply with the Oregon Public Meeting Law, meet on a regular basis and make recommendations to the city council as needed.

### ~~2.12.04030~~ Advisory Capacity.

The park and recreation advisory board shall be advisory to the cCity cCouncil on matters pertaining to the creation, operation and maintenance of recreation facilities under the jurisdiction of the cCity. The park and recreation advisory board shall not obligate any funds without first obtaining permission to do so from the cCity cCouncil. (Ord. 79-93 §2(part), 1979: Ord. 70-11 §3, 1970).

### ~~2.12.05040~~ Terms Of Office.

With the exception of the initial members, ~~The terms of office of all members of the~~ park and recreation advisory board shall be four years to expire June 30<sup>th</sup>. ~~December 31st.~~ The terms of the initial members of the board shall be designated by the mayor. The mayor shall appoint the initial members as follows:

# TIGARD MUNICIPAL CODE

- Two members for a term of two years.
- Two members for a term of three years.
- Three members for a term of four years.

If any member resigns or is unable to serve the term for which the member was appointed, the vacancy will be filled as set forth by city council resolution regarding the appointment of alternates to boards and committees. Any vacancy shall be filled by motion of the City Council for the unexpired portion of the term. (Ord. 79-93 §2(part), 1979).

## **2.12.060 Term Limits.**

Members of the park and recreation advisory board shall be limited to two full consecutive terms not withstanding prior appointment to an unexpired term.

## **2.12.070~~50~~ General Functions And Responsibilities.**

The general functions of the park and recreation advisory board shall be to advise the public works director and city council on issues such as:

(1) Concerning the management, care and control of public parks and recreation facilities and programs of the city, together with all park property and recreation facilities which may be acquired and developed;

(2) Concerning the making and altering from time to time of needful rules and regulations for the maintenance of order, safety and decency in said parks and recreation facilities;

(3) Concerning the establishment and modification of fees for park and recreation services, programs, or facility rentals;

(4) Concerning the expenditure of such funds as shall be appropriated by the city council

for public park and recreation facilities and programs.

— (1) To define the objectives of public recreation services and make plans and general policies to achieve these objectives, using as a guide the City Council adopted "Environmental Design and Open Space Plan" (Ord. 77-70);;

— (2) To keep public officials informed of the status and progress of recreation services and program;

— (3) To recommend a sound fiscal plan to achieve park and recreation service objectives. ( Ord. 80-45 §1(part), 1979:);

## **2.12.060 Specific Responsibilities.**

— The specific responsibilities of the park board shall be:

— (1) To recommend recreation policies and service levels to the City Council generally;

— (2) To act in an advisory capacity to the City Council and City Administrator;

— (3) To advise the City Council of problems related to the development of recreation, facilities, programs, etc.;

— (4) To aid in coordinating City recreation services with the programs of other governmental agencies and volunteer organizations;

— (5) To review the effectiveness of the park and recreation program with the City Administrator and City Council;

— (6) To review the annual budget in relation to parks and recreation funding with the City Administrator, Budget Committee and City Council;

— (7) To prepare a brief annual report to the

# TIGARD MUNICIPAL CODE

~~City Council outlining responses to general and specific responsibilities placed upon the park board by this chapter. (Ord. 79-93 §2(part), 1979).~~■



# TIGARD MUNICIPAL CODE

## **Chapter 2.12 PARK AND RECREATION ADVISORY BOARD.**

### **Sections:**

- 2.12.010 Appointments.**
- 2.12.020 Meetings.**
- 2.12.030 Public Meetings.**
- 2.12.040 Advisory Capacity.**
- 2.12.050 Terms Of Office.**
- 2.12.060 Term Limits.**
- 2.12.070 General Functions And Responsibilities.**

### **2.12.010 Appointments.**

A park and recreation advisory board is created, hereinafter referred to as the "park and recreation advisory board." The park and recreation advisory board shall consist of seven persons, appointed by the city council. Not more than two of whom may be nonresidents of the city. Non-voting members of the park and recreation advisory board may be appointed by the mayor upon the recommendation of the Tigard-Tualatin school district board and such other bodies as the mayor deems would be appropriate to contribute input to the park and recreation advisory board. All voting park and recreation advisory board members shall have equal status in recommendation and voting powers. Park and recreation advisory board members shall receive no compensation.

A chairperson and vice chairperson, and a secretary shall be elected by the membership at the start of each year. A chairperson shall not serve consecutively for more than two years in said capacity. (Ord. 80-45 §1(part), 1980: Ord. 79-93 §2(part), 1979: Ord. 79-27 §2, 1979: Ord. 78-12 §2, 1978: Ord. 72-66A §1, 1972: Ord. 70-11 §1, 1970).

### **2.12.020 Meetings.**

The park and recreation advisory board shall hold meetings as needed, but shall not meet less than six times per year. Minutes of each meeting shall be prepared and submitted to the city recorder not more than ten business days following a park and recreation advisory board meeting. (Ord. 85-29 §1, 1985: Ord. 79-93 §2(part), 1979: Ord. 72-66A §2, 1972: Ord. 70-11 §2, 1970).

### **2.12.030 Public Meetings**

The park and recreation advisory board shall comply with the Oregon Public Meeting Law, meet on a regular basis and make recommendations to the city council as needed.

### **2.12.040 Advisory Capacity.**

The park and recreation advisory board shall be advisory to the city council on matters pertaining to the creation, operation and maintenance of recreation facilities under the jurisdiction of the city. The park and recreation advisory board shall not obligate any funds without first obtaining permission to do so from the city council. (Ord. 79-93 §2(part), 1979: Ord. 70-11 §3, 1970).

### **2.12.050 Terms Of Office.**

With the exception of the initial members, the terms of office of members of the park and recreation advisory board shall be four years to expire June 30<sup>th</sup>. The terms of the initial members of the board shall be designated by the mayor. The mayor shall appoint the initial members as follows:

- Two members for a term of two years.
- Two members for a term of three years.
- Three members for a term of four years.

If any member resigns or is unable to serve the

# **TIGARD MUNICIPAL CODE**

term for which the member was appointed, the vacancy will be filled as set forth by city council resolution regarding the appointment of alternates to boards and committees. (Ord. 79-93 §2(part), 1979).

## **2.12.060 Term Limits.**

Members of the park and recreation advisory board shall be limited to two full consecutive terms not withstanding prior appointment to an unexpired term.

## **2.12.070 General Functions And Responsibilities.**

The general functions of the park and recreation advisory board shall be to advise the public works director and city council on issues such as:

(1) Concerning the management, care and control of public parks and recreation facilities and programs of the city, together with all park property and recreation facilities which may be acquired and developed;

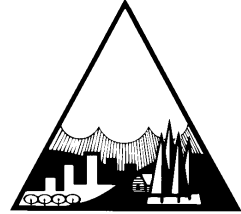
(2) Concerning the making and altering from time to time of needful rules and regulations for the maintenance of order, safety and decency in said parks and recreation facilities;

(3) Concerning the establishment and modification of fees for park and recreation services, programs, or facility rentals;

(4) Concerning the expenditure of such funds as shall be appropriated by the city council for public park and recreation facilities and programs. (Ord. 77-70: Ord. 80-45 §1(part), 1979: Ord. 79-93 §2(part), 1979).■

**MEMORANDUM**  
**CITY OF TIGARD, OREGON**

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**TO:** Honorable Mayor & City Council  
**FROM:** Bill Monahan, City Manager  
**DATE:** February 28, 2003  
**SUBJECT:** Resolution to Create a Park and Recreation Advisory Board

On February 25, 2003, Council reviewed the initial draft of an ordinance to form a new Park and Recreation Advisory Board. Comments from Council have been incorporated into the attached draft; specifically, changes in Section 4 noting that Council may appoint additional ex officio members of the Board and in Section 5 wording was added to indicate that the Board duties listed were not all inclusive.

Council also questioned whether a section was needed to reference the ability to appoint alternates to the Board. Attached is Resolution No. 01-21, which established a process allowing for the appointment of alternates. The resolution applies to all city boards or committees; therefore, no specific reference is needed in the ordinance establishing the Advisory Board.

The draft ordinance also includes new language presenting justification why the need exists for a Board.

Attachment

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-21

A RESOLUTION OF THE TIGARD CITY COUNCIL MODIFYING THE BOARD AND COMMITTEE APPOINTMENT PROCESS TO INCLUDE APPOINTING ALTERNATES

---

WHEREAS, openings on boards and committees are filled after advertizing for applicants, applicants being interviewed by the Mayor's Appointments Advisory Committee and their names being submitted to the full Council for appointment, a process that takes as long as three months; and

WHEREAS, this process this works well when the end of a term is known; and

WHEREAS, when a resignation occurs midterm and is effective immediately, this process is ineffecient and leaves the board or committee without complete staffing for as long as 3 months; and

WHEREAS, 1 or 2 alternates to a specific board or committee could be selected from the pool of interviewed applicants and appointed by the Council at the same time new, full-term members are appointed.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: When a full-term position on a board or committee is due to open, the Mayor's Appointments Advisory Committee interviews applicants and selects a candidate or candidate(s) for immediate appointment as member(s). At the same time, 1 or 2 of the interviewed applicants would be appointed as alternates.

SECTION 2: Alternates would be appointed to terms that would end when the next full-term committee positions open.

SECTION 3: In the event of a member's midterm resignation, an appointed alternate could be appointed to member status by the Council, and would complete the remaining portion of the term from which the member had resigned. Alternates would only fill remaining terms on the specific board or committee for which they originally were interviewed. This modification of the appointment process would be used only in the event of a midterm vacancy.

SECTION 4: In no event may a person designated as an alternate be so designated for a period exceeding two years unless the person reapplies and is reappointed as an alternate.

SECTION 5: An alternate who has been appointed to a remaining term may subsequently serve two full consecutive terms on the board or committee to which he or she was appointed, and would be subject the same membership requirements as any other citizen.

PASSED: This 21<sup>st</sup> day of April 2001.

B. J. Boon  
Council President – City of Tigard

ATTEST:

Catherine Wheatey  
City Recorder - City of Tigard

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